PLESSY v. *FERGUSON* (1896)

ORIGINS OF THE CASE In 1892, Homer Plessy took a seat in the "Whites Only" car of a train and refused to move. He was arrested, tried, and convicted in the District Court of New Orleans for breaking Louisiana's segregation law. Plessy appealed, claiming that he had been denied equal protection under the law. The Supreme Court handed down its decision on May 18, 1896.

THE RULING **The Court ruled that separate-but-equal facilities for blacks and whites did not violate the Constitution.**

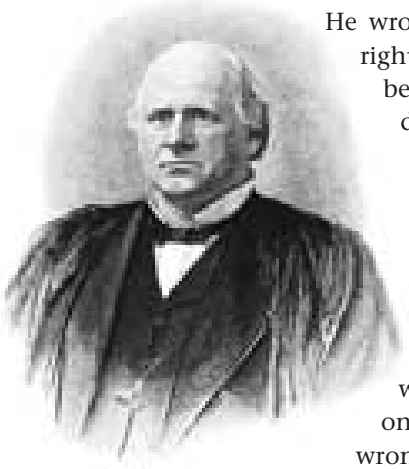
LEGAL REASONING

Plessy claimed that segregation violated his right to equal protection under the law. Moreover he claimed that, being "of mixed descent," he was entitled to "every recognition, right, privilege and immunity secured to the citizens of the United States of the white race."

Justice Henry B. Brown, writing for the majority, ruled:

> **"The object of the [Fourteenth] amendment was . . . undoubtedly to enforce the absolute equality of the two races before the law, but . . . it could not have been intended to abolish distinctions based upon color, or to enforce social, as distinguished from political equality, or a commingling of the two races upon terms unsatisfactory to either. Laws permitting, and even requiring, their separation in places where they are liable to be brought into contact do not necessarily imply the inferiority of either race to the other."**

In truth, segregation laws did perpetrate an unequal and inferior status for African Americans. Justice John Marshall Harlan understood this fact and dissented from the majority opinion. He wrote, "In respect of civil rights, all citizens are equal before the law." He condemned the majority for letting "the seeds of race hate . . . be planted under the sanction of law." He also warned that "The thin disguise of 'equal' accommodations . . . will not mislead any one, nor atone for the wrong this day done."



Justice John Marshall Harlan

LEGAL SOURCES

LEGISLATION

U.S. CONSTITUTION, FOURTEENTH AMENDMENT (1868)
"No state shall . . . deny to any person within its jurisdiction the equal protection of the laws."

LOUISIANA ACTS 1890, NO. 111
". . . that all railway companies carrying passengers in their coaches in this State, shall provide equal but separate accommodations for the white, and colored races."

RELATED CASES

CIVIL RIGHTS CASES (1883)
The Court ruled that the Fourteenth Amendment could not be used to prevent private citizens from discriminating against others on the basis of race.

***WILLIAMS* v. *MISSISSIPPI* (1898)**
The Court upheld a state literacy requirement for voting that, in effect, kept African Americans from the polls.

***CUMMING* v. *BOARD OF EDUCATION OF RICHMOND COUNTY* (1899)**
The Court ruled that the federal government cannot prevent segregation in local school facilities because education is a local, not federal, issue.

▲ One result of Jim Crow laws was separate drinking fountains for whites and African Americans.

WHY IT MATTERED

In the decades following the Civil War [1861–1865], Southern state legislatures passed laws that aimed to limit civil rights for African Americans. The Black Codes of the 1860s, and later Jim Crow laws, were intended to deprive African Americans of their newly won political and social rights granted during Reconstruction.

Plessy was one of several Supreme Court cases brought by African Americans to protect their rights against segregation. In these cases, the Court regularly ignored the Fourteenth Amendment and upheld state laws that denied blacks their rights. *Plessy* was the most important of these cases because the Court used it to establish the separate-but-equal doctrine.

As a result, city and state governments across the South—and in some other states—maintained their segregation laws for more than half of the 20th century. These laws limited African Americans' access to most public facilities, including restaurants, schools, and hospitals. Without exception, the facilities reserved for whites were superior to those reserved for nonwhites. Signs reading "Colored Only" and "Whites Only" served as constant reminders that facilities in segregated societies were separate but not equal.

HISTORICAL IMPACT

It took many decades to abolish legal segregation. During the first half of the 20th century, the National Association for the Advancement of Colored People (NAACP) led the legal fight to overturn *Plessy*. Although they won a few cases over the years, it was not until 1954 in *Brown* v. *Board of Education* that the Court overturned any part of *Plessy*. In that case, the Supreme Court said that separate-but-equal was unconstitutional in public education, but it did not completely overturn the separate-but-equal doctrine.

In later years, the Court did overturn the separate-but-equal doctrine, and it used the *Brown* decision to do so. For example, in 1955, Rosa Parks was convicted for violating a Montgomery, Alabama, law for segregated seating on buses. A federal court overturned the conviction, finding such segregation unconstitutional. The case was appealed to the Supreme Court, which upheld without comment the lower court's decision. In doing so in this and similar cases, the Court signaled that the reasoning behind *Plessy* no longer applied.

▲ As secretary of the Montgomery chapter of the NAACP, Rosa Parks had protested segregation through everyday acts long before Sepember 1955.

THINKING CRITICALLY

CONNECT TO TODAY

1. Analyzing Primary Sources Read the part of the Fourteenth Amendment reprinted in this feature. Write a paragraph explaining what you think "equal protection of the laws" means. Use evidence to support your ideas.

SEE SKILLBUILDER HANDBOOK, PAGE R22.

CONNECT TO HISTORY

2. INTERNET ACTIVITY CLASSZONE.COM

Visit the links for Historic Decisions of the Supreme Court to research and read Justice Harlan's entire dissent in *Plessy* v. *Ferguson*. Based on his position, what view might Harlan have taken toward laws that denied African Americans the right to vote? Write a paragraph or two expressing what Harlan would say about those laws.